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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 08-06006 MMM (JWJx)

Date July 16, 2009

Title *Andrea Temples v. Federal Deposit Insurance Corporation*

Present: The Honorable MARGARET M. MORROW

ANEL HUERTA

Deputy Clerk

N/A

Court Reporter

Attorneys Present for Plaintiff :

None

Attorneys Present for Defendant :

None

Proceedings: Order Dismissing Action

On May 6, 2009, defendant Federal Deposit Insurance Corporation (“FDIC”) filed a motion to dismiss this action for improper service or, in the alternative, for an order directing *pro se* plaintiff Andrea Temples to effect proper service by a date certain. On June 17, 2009, the court granted the FDIC’s motion in part.¹ The court explained the procedures governing service of process set forth in Rule 4(i) of the Federal Rules of Civil Procedure, and noted the deficiencies in plaintiff’s prior efforts to serve defendant.²

The court directed Temples to “(1) personally service the United States Attorney for the district in which the action is brought [U.S. Attorney Thomas P. O’Brien, United States Attorney’s Office, Central District of California, 1200 U.S. Courthouse, 312 North Spring Street, Los Angeles, CA 90012] or send a copy of the summons and complaint by registered or certified mail to the civil-process clerk at the United States Attorney’s office [Civil Process Clerk, United States Attorney’s Office, Central District of California – Civil Division, Federal Building, Suite 7516, 300 North Los Angeles Street, Los Angeles, CA 90012]; and (2) send a copy of the summons and complaint by registered or certified mail to the Attorney General in Washington, D.C. [Attorney General Eric

¹See Order Granting in Part and Denying in Part the FDIC’s Motion for Proper Service and Dismissal of Defendant IndyMac Federal Bank (“Service Order”), Docket No. 12 (June 17, 2009).

²Service Order at 7 (“There is no evidence that Temples has served the FDIC in the manner required by Rule 4(i)”).

Holder, United States Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530]; and (3) send a copy of the summons and complaint by registered or certified mail to the agency defendant [FDIC c/o Robert E. Feldman, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429].”³

The court stated that, under Rule 4(m), Temples had 120 days from the date she filed her complaint in mid-September 2008 to effect service. As that time period had already expired, the court exercised its discretion to grant Temples an extension of time to complete proper service. It directed her to do so no later than Monday, July 13, 2009.⁴

To date, Temples has not filed a proof of service indicating that she has complied with Rule 4(i). In its June order, the court warned Temples that noncompliance would lead to dismissal without further notice. Despite this warning, Temples has not effected service on defendant. Accordingly, the court dismisses the action without prejudice for failure to effect timely service under Rule 4.

³*Id.* at 6-7 and nn.16-19.

⁴*Id.* at 8.